



**COAST GUARD
MARINE SAFETY OFFICE
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MARINE SAFETY INFORMATION BULLETIN 11-04

July 26, 2004


Enforcement of Ballast Water Management Reporting Requirements

In a final rule published in the Federal Register on June 14, 2004, the Coast Guard, under the authority of the Nonindigenous Aquatic Nuisance Prevention and Control Act and the National Invasive Species Act, implemented a maximum \$27,500 a day Civil Penalty and Class C Felony provisions for failing to submit ballast water management (BWM) reports and failing to maintain BWM records. In addition, the final rule expanded existing BWM reporting and record keeping requirements to include all vessels equipped with ballast water tanks that transit to any U.S. port or place of destination, regardless of whether the vessel operated outside the Exclusive Economic Zone (EEZ) of the U.S. or equivalent zone of Canada.

On June 17, 2004, the Coast Guard published the Navigation and Vessel Inspection Circular (NVIC) No. 07-04: "*Ballast Water Management for the Control of Aquatic Nuisance Species in the Waters of the United States*" to explain the BWM reporting and record keeping requirements of 33 CFR 151, subpart D, as amended by the June 14, 2004 final rule, and to provide guidance for foreign and domestic vessel owners, operators, agents, and persons-in-charge for complying with these requirements. As amended, the only vessels that are exempt from the mandatory BWM requirements under 33 CFR 151.2010 are:

1. Vessels that operate exclusively within one COTP zone;
2. Crude oil tankers engaged in coastwise trade; and
3. Vessels of the Department of Defense, Coast Guard, or any of the Armed Services as defined within 33 USC 1322 (a) and (n).

Masters, owners, and operators and persons-in-charge of vessels equipped with ballast water tanks bound for ports or places in the U.S. shall ensure that their vessels comply with the BWM requirements of 33 CFR Part 151, subparts C and D (as applicable). NVIC 07-04 can be found at <http://www.uscg.mil/hq/g-m/nvic/index00.htm>.


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